IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 25281 of 2004(I)

CMA.35/2003 of SUB COURT, PAYYANNUR
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PETITIONER:

CHERAMBATH MUKUNDAN, S/O.JANAKI,
53 YEARS, PATTUVAM AMSOM, ARIYIL DESOM,
KANNUR DISTRICT.

BY ADV. SRI.C.MURALIKRISHNAN (PAYYANUR)

RESPONDENTS:
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1. KERALA STATE REPRESENTED BY DISTRICT COLLECTOR, KANNUR.

2. EXECUTIVE ENGINEER, P.W.D.BUILDING DIVISION, THALASSERRY.

3. CHERIYANDI RADHAKRISHNAN, S/O.YESODA, 39 YEARS, PATTUVAM AMSOM, ARIYIL DESOM, KANNUR DISTRICT.

4. CHALIYAN VALAPPIL RAMESAN, S/O.JANAKI, 38 YEARS, PATTUVAM AMSOM, ARIYIL DESOM, KANNUR DISTRICT.

R1 & R2 BY GOVT.PLEADER SRI.SHYSON P.MANGUZHA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.25281 OF 2004

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DATED THIS THE 25th JULY, 2007

J U D G M E N T

Though more than 3 ½ years have elapsed since this Court ordered notice on admission, the petitioner has not remitted process so far.

2. Ext.P1 judgment of the lower appellate court confirming an order refusing injunction which was sought for by the petitioner is under challenge. I do not find any infirmity about Ext.P1 judgment warranting interference by this Court under its supervisory jurisdiction. But since the learned counsel for the petitioner submits that the suit is pending, I dispose of the Writ Petition directing the Munsiff's Court, Taliparamba to try and dispose of O.S.No.441 of 2003 without being unduly influenced by the findings in Ext.P1 judgment, at the earliest and at any rate within three months of receiving copy of this judgment. Decision will be taken in the suit on the basis of the evidence which comes on record at trial.

(PIUS C.KURIAKOSE, JUDGE)

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